

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 7/02/12**

**Monday Dept.: 4**

**(Posted 6/28/12)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

NOTE - When the tentative ruling is adopted without modification, no further notice of the ruling will be provided by the court.

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1. **1:00 PM** Case: 11CV37858 [S] KNUTSON v FOOTHILL VILLAGE  
Type: WRONGFUL TERMINATION Date Filed: 08/22/11  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
Event: CONTINUED OSC RE: FILING COMPLIANCE  
  
PLNTFF: KNUTSON, DAWN ATTY: GLOTZER & SWEAT LLP  
DEFNDT: FOOTHILL VILLAGE RESIDENTIAL COMM  
DEFNDT: A.F. EVANS COMPANY INC. ATTY: JACKSON LEWIS LLP  
DEFNDT: PONTE, DEBBIE ATTY: JACKSON LEWIS LLP

Tentative Ruling: Defendant Ponte was dismissed as a result of the ruling on her demurrer. Defendant should submit a judgment of dismissal confirming this result. The plaintiff has not filed a proper Proof of Service as to all named defendants. (Foothill) Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept. 4 at 1:00 PM on 12/3/12. Plaintiff/Petitioner shall provide notice of the next hearing.

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2. **1:00 PM** Case: 11CV37909 [S] PROUT v STATE OF CALIFORNIA  
Type: EMINENT DOMAIN Date Filed: 09/13/11  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
  
PLNTFF: PROUT, LOREN ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: STATE OF CA THROUGH DEPT OF TRANS ATTY: DEPARTMENT OF TRANSPORTATION  
Service Date/Type: 09/23/11 PER Answer Date: 10/06/11

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 4 approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day jury trial. The clerk shall provide notice of this ruling to the parties.

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3. 1:00 PM Case: 11PR7282 [S] ESTATE OF BARRETT  
Type: LTRS TESTAMENTARY - ATA/IAEA Date Filed: 08/03/11  
Event: CASE MANAGEMENT CONFERENCE ON PETITION BY EXECUTOR TO  
ESTABLISH ESTATE'S CLAIM OF OWNERSHIP TO PROPERTY

PETNR: WARNER, MICHAEL G. ATTY: GIANELLI & POLLEY  
RESP: BARRETT, SHERI ATTY: PICONE & DEFILIPPIS APC  
DEC'D: BARRETT, SHIRLEY ANN  
AKA: BARRETT, SHIRLEY A.  
AKA: BARRETT, SHIRLEY

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 4 approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 2 day court trial.

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4. 1:00 PM Case: CF8803 [M] RESORT AT LAKE TULLOCH VS. SANFILIPPO  
Type: UNLAWFUL DETAINER under \$25000 Date Filed: 08/26/09  
Priority Info: 170.6 DVM-CONSOLIDATED CF8803  
Event: TRIAL SETTING CONFERENCE (TO BE HEARD WITH CASE NO. CV35992)  
07/10/12 10:00 1 APP AND NOTICE OF HEARING FOR ORDER TO  
SET ASIDE RIGHT TO ATTACH ORDER QUASH  
WRIT OF ATTACHMENT & REL PROP 170.6 DVM  
07/10/12 10:00 1 APPL FOR ORDER TO TERM TEMPORARY PROTECT  
ORDER/APPL TO SET ASIDE RIGHT TO ATTACH  
ORDER, QUASH WRIT & RELEASE PROP; 170.6 DVM

PLNTFF: RESORT AT LAKE TULLOCH INC ATTY: PARR LAW GROUP  
DEFNDT: SANFILIPPO, DENNIS ATTY: FOLEY LAW OFFICES, KENNETH M.  
Service Date/Type: 09/03/09 PER Answer Date: 09/10/09

Tentative Ruling: On 6/19/12 the parties stipulated to binding arbitration. The case is stayed pending resolution of the arbitration. The motions presently on calendar for 7/10/12 are vacated. The next Case Management hearing shall be in Dept. 4 at 1:00PM on 1/7/12. As the matter is submitted on the Tentative Ruling no further notice is required.

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5. 1:00 PM Case: CV35992 [S] SANFILIPPO v LAKE TULLOCH RESORT  
Type: INJUNCTION Date Filed: 08/21/09  
Priority Info: 170.6 DVM;CONSOL W/CF8803  
Event: TRIAL SETTING CONFERENCE  
07/10/12 10:00 1 PET TO COMPEL ARBITRATION PER CONTRACT  
/APP TO SET ASIDE RIGHT TO ATTACH ORDER  
QUASH WRIT & RELEASE PROPERTY; 170.6 DVM

PLNTFF: SANFILIPPO, DENNIS ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: LAKE TULLOCH RESORT INC ATTY: PARR LAW GROUP  
DEFNDT: ABRAMSON, BERNADETTE ATTY: PARR LAW GROUP  
Service Date/Type: 08/21/09 PER 00/00/00  
DEFNDT: ABRAMSON, BERNADETTE  
AGENT: LAKE TULLOCH RESORT INC.

Tentative Ruling: On 6/19/12 the parties stipulated to binding arbitration. The case is stayed pending resolution of the arbitration. The motions presently on calendar for 7/10/12 are vacated. The next Case Management hearing shall be in Dept. 4 at 1:00PM on 1/7/13. As the matter is submitted on the Tentative Ruling no further notice is required.

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6. 1:30 PM Case: 11FL37655 [S] ANDERSON v ANDERSON  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/03/11  
Event: FURTHER CASE MANAGEMENT/TRIAL SETTING CONFERENCE ON  
BIFURCATED CUSTODY; CHILD AND SPOUSAL SUPPORT

PETNR: ANDERSON, ROBIN CHRISTINE ATTY: TRIFILO, JOHN J. ESQ  
RESP: ANDERSON, PAUL RODGER ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
Service Date/Type: 00/00/00 Answer Date: 07/15/11

Tentative Ruling: The court awaits receipt of the parties' stipulation as to child custody and visitation. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 10/1/12. As the matter is submitted on the Tentative Ruling no further notice is required.

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7. 1:30 PM Case: 12FL38277 [S] LINDSAY v GILLIS  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/10/12  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
07/17/12 9:00 1 PETITIONER'S MOTION TO COMPEL FURTHER DISCOVERY  
RESPONSES AND FOR MONETARY SANCTIONS

PETNR: LINDSAY, JAMES ELWOOD ATTY: SIEBERT, KURT HENRY ESQ  
RESP: GILLIS, TEASHA D. ATTY: GILLIS LAW OFFICE, LEAH N.  
Service Date/Type: 02/23/12 PER Answer Date: 03/23/12

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 12/3/12. The clerk shall provide notice of this ruling to the parties.

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8. 1:30 PM Case: 12FL38313 [S] RUGGABER v RUGGABER  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/29/12  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: RUGGABER, MALLORI ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 04/09/12  
RESP: RUGGABER, JOHNATHAN ATTY: IN PRO PER  
Service Date/Type: 03/02/12 PER Answer Date: 04/09/12

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 11/5/12. The clerk shall provide notice of this ruling to the parties.

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9. 1:30 PM Case: 12FL38320 [S] FISHER v FISHER  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/02/12  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
07/03/12 9:00 1 PETITIONER'S OSC FOR CUSTODY, VISITATION  
AND INJ. ORDER; RETURN ON MEDIATION

PETNR: FISHER, JOSEPH LEE ATTY: IN PRO PER  
RESP: FISHER, MISTY ATTY: YANKOVSKY, KRISTINE ESQ  
Service Date/Type: 04/20/12 PER Answer Date: 04/18/12

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 12/3/12. The clerk shall provide notice of this ruling to the parties.

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10. 1:30 PM Case: 12PA38315 [S] BAUMHOVER v SUBER  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 02/29/12  
Priority Info: CONFIDENTIAL  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: BAUMHOVER, DIANE ATTY: IN PRO PER  
RESP: SUBER, SEAN ATTY: FOLEY LAW OFFICES, KENNETH M.  
Service Date/Type: 03/12/12 PER 00/00/00

Tentative Ruling: This matter awaits entry of Judgment (FL-240 & FL-250). The matter is continued for further Case Management, if Judgment enters in the interim the following date will be vacated, Dept. 4 at 1:30 PM on 1/7/13. The clerk shall provide notice of this ruling to the parties.

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11. 2:30 PM Case: 10FL37103 [S] CARON-DE CUYPER v DE CUYPER  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/14/10  
Event: SETTLEMENT CONFERENCE / TRIAL SETTING

PETNR: CARON-DE CUYPER, CRISTINA LEE ATTY: IN PRO PER  
RESP: DE CUYPER, JOHN CHARLES ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 01/10/11

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.

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12. 2:30 PM Case: CV35853 [S] RUGGIERI v RUGGIERI  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/29/09  
Event: SETTLEMENT CONFERENCE-FAMILY LAW

PETNR: RUGGIERI, THOMAS N. ATTY: D'ARCY, CHERIE ESQ  
J/PRTY: COUNTY OF CALAVERAS ATTY: CENTRAL SIERRA CHILD SUPPORT  
RESP: RUGGIERI, SKYE S. ATTY: TRIFILO, JOHN J. ESQ  
Service Date/Type: 06/29/09 PER Answer Date: 07/09/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.